

New E-Mail Retention Policy -- What's Changing, When and Why:

On January 1st, we will initiate a new policy of automatically deleting e-mails from the Inbox and Sent Items folders (and their subfolders) in Outlook after 90 calendar days. Following this policy, which has been adopted by most major law firms and businesses nationwide, and is considered "best practice," will enable us to lighten our server load and streamline the system. In turn, this will mean that our computers will be able to perform quicker and more reliably.

What This Means for You:

Starting January 1, you have 90 days to decide whether "sent" or "received" e-mails should be kept. If yes, there are a couple of ways to do so (discussed below).

If something doesn't need to be kept, you may either delete it or simply leave it in your Inbox or Sent Items folder. Such e-mails will be automatically deleted 90 days after they are received or sent.

How Do I Save an E-Mail?

If the e-mail needs to be retained, you'll have to move it:

- One option is to relocate it to an Outlook folder that is neither the Inbox nor the Sent Items folder. You can do so by creating an Outlook folder and dragging and dropping the e-mail into the folder.
- Another, better solution (if the e-mail is important and matter-related) is to move it to the FileSite location where other matter materials are located, assuming, of course, that you have access to FileSite. Jack Hupper in Litigation Support (212-788-0990, jhupper@law.nyc.gov) will be sending around instructions how to do this.

What e-mails do I have to retain?

In addition to emails that you wish to retain Law Department and City rules require that other email be retained. Attached is a chart detailing principles that should be followed in retaining certain types of emails. Jack Hupper will be visiting each division to help it with its particular issues.

What if I have questions and need help?

- Still have questions? You can e-mail Jack at the address above.

Does the New Policy Apply to Old E-Mails?

No. *This policy ONLY applies to e-mails received or sent on or after January 1, 2009.*

E-mails received or sent by you prior to that date will be moved to a new archiving program called KVS and kept. A separate e-mail with details on how KVS works will be sent shortly.

What Else Do I Need to Know?

- On April 1st (90 days after January 1st), all e-mails sent or received 90 days earlier will start to be eliminated from the Inbox and Sent Items folders .
- Reminder: We will NOT delete any e-mails sent or received prior to January 1, 2009.

By the way, when I say "delete," I mean delete. We don't have the staff to hunt down deleted e-mails on backup tapes. Those tapes are for disaster recovery, not as a failsafe for your Deleted Items folder. So please, make your decisions carefully.

Also, don't just move all your e-mails to another Outlook folder hoping that you will save them all. Mailbox sizes will be monitored. Get in the habit of deleting whenever possible.

Thank you for your cooperation.

**EMAIL RETENTION GUIDELINES:
LEGAL SERVICES EMAIL**

12/5/2008

I. GENERAL PRINCIPLES

- A) Emails sent or received “in connection with official city business” are records under the Charter. The purpose of these Email Retention Guidelines is to set out a retention policy for some of our most common records – email relating to our provision of legal services.
- B) Not all email is “in connection with official city business.” For example, personal email, and email relating to office social functions, are non-records and may be deleted at will.
- C) Furthermore, extra copies of emails may be deleted. Thus, multiple replies between two or more people to the same message, if substantially all of the replies and attachments are captured in the final email, should be deleted. Keep only the last reply.
- D) In addition, many emails – even if related to legal services – are of only transitory value and should be deleted after a short period of time. Leaving an email in the Inbox or Sent folders for more than 90 days implicitly acknowledges the email’s value as only transitory; the email hasn’t been worth the minor effort to move it to a case/matter (or similar) folder. Thus, it makes sense to auto-delete such email after a reasonable time (90 days).
- E) By contrast, case/matter-related emails with clients, the courts, or other counsel are at the core of our legal services work and should be kept as long as case/matter-related paper records.
- F) For those with Worksite, important case/matter related email may be retained by saving it to Worksite.

II. RETENTION OF LEGAL SERVICES EMAIL

Email type	What to do
Email which are purely personal or relate to office social events	Delete (or allow 90-day auto-deletion)
Spam and unsolicited vendor email	Delete (or allow 90-day auto-deletion)
Thanks or other informal acknowledgements	Delete (or allow 90-day auto-deletion)
Emails relating to scheduling (including emails bearing calendar invites and acceptances)	Delete (or allow 90-day auto-deletion)
Emails to/from court &/or counsel for other parties	<ul style="list-style-type: none"> • Retain email. • Save attachment(s) to Worksite (non-Worksite users to U: drive). • Move/copy the email itself to Worksite if it is important enough that it belongs in a shared repository

Email type	What to do
<p>Emails to/from clients</p> <p>May attach client documents (e.g. PDFs of documents for discovery)</p>	<ul style="list-style-type: none"> • Retain email if likely to be important beyond 90 days, such as by showing legal analysis; or showing background, reasons for questions, people's views; or to document date of transmittal. • Save attachment(s) to such email to Worksite (non-Worksite users to U: drive). • Move/copy the email itself to Worksite if it is important enough that it belongs in a shared repository. <p>If discovery document(s), retain original email from client; Worksite users move/copy into Worksite.</p>
<p>Email within Law Dept. giving/seeking advice or giving notice of development (e.g. meeting results) in case or matter</p> <p>Emails circulating drafts or finals of these papers, for internal Law Dept. FYI/comment/edits</p>	<p>Retain if development is likely to be important (e.g. showing legal analysis; or showing background, reasons for questions, people's views) beyond 90 days</p> <p>Delete when no longer needed, assuming the court papers (etc.) exist in Worksite or on a U: drive.</p>
<p>Email from Lexis with text of cases or other research</p> <p>Email from court reporter attaching transcript</p>	<p>Delete when no longer needed</p> <p>Retain original email from court reporter. Save attachment to Worksite / U: drive</p>